

SUMMARY OF EVIDENCE IN THE CASE OF PRIVATE LEE H. OSWALD 1653230/6741
USMC, HELD AT MARINE AIR CONTROL SQUADRON 1, MARINE AIRCRAFT GROUP 11,
ATSUGI, JAPAN ON 27 JUNE 1953

The following witnesses for the prosecution were sworn and testified in substance as follows:

Technical Sergeant Miguel RODRIGUEZ, Jr. Marine Air Control Squadron 1, Marine Aircraft Group 11, 1st Marine Aircraft Wing, Aircraft, FMF, c/o Fleet Post Office, San Francisco, California.

DIRECT EXAMINATION

I know the accused, Private OSWALD. On the night of 20 June Staff Sergeant MILAM and I went into the Blue Bird Cafe in Yamato and sat down to order beers. The accused came over to where we were sitting and poured a drink on me. I jumped up and shoved him away then he asked me to come outside with him. I told him I didn't want to jeopardize my six years upgrade as a Technical Sergeant by fighting with a Private. He said that I was yellow if I didn't come outside and fight. I had sat back down in my seat when the MP's came. We went to the MP shack and I told them what happened.

CROSS - EXAMINATION

I pushed the accused away from me and stood up as the accused had poured a drink on me. I said nothing to the accused until after this.

Staff Sergeant James N. MILAM, Marine Photographic Squadron 1, Marine Aircraft Group 11, 1st Marine Aircraft Wing, Aircraft, FMF, c/o Fleet Post Office, San Francisco, California.

DIRECT EXAMINATION

I know the accused Private OSWALD. On the night of 20 June, 1953, Technical Sergeant RODRIGUEZ, myself and my girl went into the Blue Bird Cafe in Yamato and were sitting down drinking a beer. The accused came over to the table and poured a drink on TSgt. RODRIGUEZ. Then RODRIGUEZ jumped up and they sort of scuffled around. I went over and asked the "Mama San" to call the MPs. When we sat back down the accused came back to the table and called RODRIGUEZ a "yellow Mexican" and asked him to come outside. The MP's came in and we all went to the MP station.

CROSS - EXAMINATION

I would say that after RODRIGUEZ jumped up they sort of scuffled, not much of a scuffle. I know the drink was poured deliberately because of the manner in which it was done. The drink hit RODRIGUEZ on the left leg.

weeks ago and that the accused gave me the impression that the Staff NCO's, including TSgt RODRIGUEZ, were picking on him. I reassured the accused that this was not so. The accused asked me to relieve him from TSgt RODRIGUEZ's crew, but since I believed the accused's charges to be unfounded, I saw no reason to do so. Later, TSgt RODRIGUEZ was relieved from the crew to become NCCIC of operations.

CROSS EXAMINATION

I had instructed TSgt. RODRIGUEZ to keep an eye on the accused to see that he was doing a proper job. TSgt RODRIGUEZ reported several times that the accused was not doing a good job. The only complaint I remember receiving directly from the accused was one time when he was denied overnight liberty. I tried generally to arbitrate disputes between personnel rather than to transfer people from one crew to another. This is what was done in the case of the accused. After the talk I had with the accused about five weeks ago, I cautioned TSgt RODRIGUEZ to do nothing which might be construed as picking on the accused.

RE-DIRECT EXAMINATION

(In view of the court's opinion that the witness was hostile to the defense, accused was allowed to use leading questions.)

Regarding the assertion by the accused that he came off guard duty at 0800 one day and that he worked that day and then was put on mess duty the next day. I didn't instruct TSgt RODRIGUEZ to assign the accused to these duties but he had been told that he could assign anyone who wasn't doing a good job to any extra duties he wanted to.

RE-CROSS EXAMINATION

I approved of the assignment of the accused to guard and mess duty. The accused made no complaint to me at the time.

The rights of the accused as a witness were explained to him by the court. The accused elected to take the stand as a witness. He was sworn and testified in substance as follows:

DIRECT EXAMINATION

I am the accused in this case. On the night of 20 June 1958 I was sitting in the Bluebird Cafe in Yamato when TSgt RODRIGUEZ and SSgt MILAM came in and sat down. I walked over to talk to TSgt RODRIGUEZ and my drink fell out of my hand and hit him on the knee. He jumped up and shoved me away and then sat back down. I went back to try and talk to him about why he was assigning me to all those extra duties, man to man like, when the MP's came in, and took me to the MP Station.

RE-DIRECT EXAMINATION

I didn't recognize the accused when he first came over to the table, then I saw he was the same guy who had challenged RODRIGUEZ a couple of weeks before.

The witness was warned by the Court to restrict his answers to material matters and that assertions about previous actions of the accused were not admissible.

I am sure that the drink was poured deliberately. I was watching the accused when he did it.

I told the "Mama San" to call the MPs because I didn't want TSgt. RODRIGUEZ to get in any trouble. TSgt. RODRIGUEZ didn't tell me to call them.

The defense (accused) made an opening statement.

I wish to show that I attempted to get out from under TSgt. RODRIGUEZ authority as much as seven weeks ago. I didn't say anything to TSgt. RODRIGUEZ on the night in question until he had pushed me and I spilled the drink on him accidentally.

The following witnesses for the defense were sworn and testified substantially as follows:

Lieutenant Colonel Norman D. GLENN, Marine Air Control Squadron 1, Marine Aircraft Group 11, 1st Marine Aircraft Wing, Aircraft, FMF, c/o Fleet Post Office, San Francisco, California

DIRECT EXAMINATION (By Accused)

I know the accused, Private OSWALD. The accused came to me at request mast on 26 May and asked that his overseas extension be cancelled because he was not getting along with someone in his section. I denied his request.

CROSS - EXAMINATION

The accused did not state with whom he was not getting along with. I did not connect TSgt. RODRIGUEZ with this problem.

First Lieutenant Charles R. RHODES, Marine Air Control Squadron 1, Marine Aircraft Group 11, 1st Marine Aircraft Wing, Aircraft, FMF, c/o Fleet Post Office, San Francisco, California

DIRECT EXAMINATION

I know the accused, Private OSWALD. My position is assistant Operations Officer and, as such, I am technically in charge of the accused's work. I recall a general meeting held of the operations personnel about five

CROSS EXAMINATION

I didn't drop the glass the drink was in, it just sort of hit the edge of the table and poured out.

(Accused here asked if he could refuse to answer questions regarding what he said to TSgt. RODRIGUEZ. The warning he received prior to electing to take the stand in his own defense was reiterated and he was reminded that he had waived the privileges against self-incrimination with respect to cross-examination on any offense which he testified in denial (or explanation.)

I asked TSgt. RODRIGUEZ to step outside to fight after he had shoved me. I don't recall calling him yellow. I didn't make any statements to the MPs because I was sort of drunk at the time.